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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,861	06/27/2003	Michael R. Dupelle	04644-127001	8211
26161	7590	02/24/2005	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			MANUEL, GEORGE C	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/608,861	DUPELLE, MICHAEL R. <i>C</i>
	<b>Examiner</b>	<b>Art Unit</b>
	George Manuel	3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,5,7,9,10,14 and 15 is/are allowed.
- 6) Claim(s) 2-4,6,8,11 and 13 is/are rejected.
- 7) Claim(s) 12 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 6) <input type="checkbox"/> Other: ____ .  |

## DETAILED ACTION

### *Claim Objection*

Claim 12 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 12 has not been further treated on the merits.

Claim 3 is objected to because claim 2 does not appear to support the conclusion of the electrode connectors being incompatible.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Miller et al '528.

Miller et al disclose a connector body comprising ICD 50 and first and second electrode connectors comprising 70 and 72, respectively in connector block 52. Switch network 54 configures electrode connectors 70 and 72 so that a multi-configuration connector comprising electrodes 26, 28 and 30 is able to alternatively mate with the with the electrode connectors 70 and 72.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al '528 in view of Hansen et al '393.

Miller et al show all of the claimed features except for pairing the electrodes in a cable or providing a latch for retaining a mating connector.

Hansen et al teach using combining multiple electrodes in a lead cable and using a spring latch to positively grip the lead. See connector pin 26 in Fig. 1 and paragraphs 0028 and 0032.

One of ordinary skill in the art would have found it obvious to combine the teachings of Hansen et al with the electrode leads 26, 28 and 30 of Miller et al because the lead teaching of Hansen et al applies to a similar defibrillator device.

***Allowable Subject Matter***

Claims 1, 5, 7, 9, 10, 14 and 15 are allowed.

The following is an examiner's statement of reasons for allowance:

The connector body and first and second pairs of electrical terminal elements configured so that the multi-configuration connector is able to mate elements configured so that the multi-configuration connector is able to mate alternatively with first and second mating defibrillation electrode connectors, with the first pair of electrical terminal

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elements in electrical contact with mating electrical elements of the first mating defibrillation connector when the multi-configuration connector is mated with the first mating defibrillation connector, and with the second pair of electrical terminal elements in electrical contact with mating electrical elements of the second mating defibrillation connector when the multi-configuration connector is mated with the second mating defibrillation connector as claimed is not taught nor suggested by the prior art of record.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.



George Manuel  
Primary Examiner  
Art Unit: 3762

2/19/05